



# PUBLIC NOTICE

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## NOTICE OF WITHDRAWAL OF DOMESTIC SECTION 214 APPLICATION

WC Docket No. 05-343

The application listed in this notice has been withdrawn as requested by Telscape Communications, Inc. (Telscape) and Scorpion Capital Partners, L.P. (Scorpion) (collectively "the Applicants"). On December 8, 2005, Telscape and Scorpion filed an application, pursuant to section 63.03 and 63.04 of the Commission's rules,<sup>1</sup> seeking approval to transfer control of Telscape to Scorpion.

### **Domestic Section 214 Application Filed for Transfer of Control of Telscape Communications, Inc. to Scorpion Capital Partners, WC Docket No. 05-343**

On December 22, 2005, the Commission released a Public Notice accepting the application for streamlined processing.<sup>2</sup> The application was simultaneously referred to the Department of Homeland Security to determine, in conjunction with the Department of Justice and the Federal Bureau of Investigation (collectively, the "Executive Branch Agencies") whether the proposed transfer of control was in the public interest because Kinaro Investments, Ltd., a British Virgin Islands company, is a foreign entity that has a 14% ownership interest in Scorpion, the Transferee. Before, however, the Executive Branch Agencies completed their evaluation, the Applicants submitted a request to withdraw the application.<sup>3</sup>

We hereby grant the Applicants' request to withdraw the application. The withdrawal of the application has rendered moot the Executive Branch Agencies' determination of whether there are any potential national security, law enforcement or public safety issues related to the proposed transfer of control.

<sup>1</sup> 47 C.F.R. §§ 63.03-63.04.

<sup>2</sup> *Domestic Section 214 Application Filed for Transfer of Control of Telscape Communications, Inc. to Scorpion Capital Partners, L.P.*, WC Docket No. 05-343, Public Notice, DA 05-3274 (rel. Dec. 22, 2005).

<sup>3</sup> See Letter from John L. Clark, Goodin, MacBride, Squeri, Ritchie & Day, LLP to Secretary, Federal Communications Commission, WC Docket No. 05-343 (filed Jan. 5, 2006).

For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Kimberly Jackson at (202) 418-7393, Competition Policy Division, Wireline Competition Bureau.